

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DEWAYLYN RAYMAR WILLIAMS §
v. § CIVIL ACTION NO. 6:13cv586
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Dewaylyn Williams, proceeding *pro se*, filed this application for the writ of habeas corpus challenging the legality of his conviction. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Williams was convicted of three counts of intoxication assault with a vehicle, receiving concurrent sentences of 10 years in prison. After exhausting his state remedies, Williams filed this federal habeas corpus petition. The Respondent was ordered to answer the petition and filed a motion to dismiss based on the expiration of the statute of limitations. Williams filed a reply to this motion together with an affidavit in support.

After review of the pleadings and evidence, the Magistrate Judge issued a Report recommending that the Respondent's motion to dismiss be granted and that Williams' petition be dismissed. The Respondent filed objections, but Williams did not; court records show that the copy of the Report which was sent to him was returned as undeliverable because he has been discharged from prison, and he has provided no forwarding address. Accordingly, Williams is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except

upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has conducted a *de novo* review of the Respondent's objections and has determined that these are without merit. It is accordingly

ORDERED that the Respondent's objections are overruled and the Report of the Magistrate Judge (docket no. 18) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is hereby DISMISSED with prejudice. Finally, it is

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

So ORDERED and SIGNED this 2nd day of September, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**